

EXHIBIT E

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TENNESSEE
3 CASE NO. 3:19-cv-00041
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5 - - -
6 SCOTT ALLEN TOMEI, :
7 Plaintiff, :
8 vs. :
9 PARKWEST MEDICAL CENTER and :
10 COVENANT HEALTH, :
11 Defendants.:
12

13 * * * * *
14

15 DEPOSITION OF TALA TOMEI
16 (Volume II)
17

18 =====

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1 D E P O S I T I O N

2 The deposition of Tala Tomei, continued at the
3 request of the Defendants, for purposes of
4 discovery, pursuant to the Tennessee Rules of Civil
5 Procedure on the 17th Day of December, 2019, at the
6 offices of Arnett, Draper & Hagood, LLP, 800 S. Gay
7 Street, 2300 First Tennessee Plaza, Knoxville,
8 Tennessee 37901 before Catherine Golembeski,
9 Registered Professional Reporter and Notary Public
10 at Large for the State of Tennessee.

11 It is agreed that the deposition may be
12 taken in machine shorthand by Catherine Golembeski,
13 Licensed Court Reporter and Registered Professional
14 Reporter and Notary Public, and that she may swear
15 the witness and thereafter transcribe her notes to
16 typewriting and present to the witness for
17 signature, and that all formalities touching
18 caption, certificate, filing, transmission, etc.,
19 are expressly waived.

20 It is further agreed that all objections
21 except as to the form of the questions are reserved
22 to on or before the hearing.

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1 EXAMINATION

2 (Proceedings began at 9:03 a.m.)

3 TALA TOMEI,

4 called as a witness at the instance of the

5 Defendants, having been first duly sworn, was

6 examined and deposed as follows:

7 EXAMINATION BY MR. YOUNG:

8 Q. All right. Tala, this is a
9 continuation of your deposition yesterday. You've
10 just been sworn in again. Do you understand what
11 that means?

12 A. Yes.

13 Q. Now, yesterday before we broke there
14 was a promise that you weren't going to talk about
15 this with your father or anyone else. Do you
16 remember that?

17 A. Yes.

18 Q. Did you observe that?

19 A. Yes.

20 Q. Okay. Where we left off, you were
21 telling me about a comment that, or actually, I
22 guess, you were telling me about something your
23 father had told you had happened at the hospital
24 before he was discharged?

25 A. Right.

1 Q. When did he relate this story about
2 there being a misunderstanding between hurt and
3 home?

4 A. He told me the day after that he was
5 discharged.

6 Q. The day after he was discharged?

7 A. Either the day of or the day after.
8 I'm not exactly sure, but I know it was soon after
9 he was discharged.

10 Q. Was anyone else with you when he
11 related this story to you?

12 A. I believe he told me over FaceTime. We
13 talked on the phone.

14 Q. Was anybody physically with him where
15 he was?

16 A. Maybe his girlfriend. I know he was
17 staying with her after he was discharged from the
18 hospital. I don't know if she was there watching
19 what he was saying to me, though.

20 Q. Did you talk to your mom about it?

21 A. Yeah. My mom told me about it.

22 Q. Your mom told you about the same thing?

23 A. Yes.

24 Q. Okay. Did she tell you independently
25 of your father telling you or was it something you

1 brought up to her? Do you recall?

2 A. She told me on her own. I didn't bring
3 it up to her.

4 Q. When did she tell you?

5 A. I believe it was the day after my dad
6 was discharged we were talking about it.

7 Q. And what did she say about it?

8 A. She had told me that he was saying
9 that, you know, his leg still hurt and the nurse
10 kept saying that they were going to send him home.
11 And my mom said she tried to intervene and tell the
12 nurse and the doctors that were there that his foot
13 is still purple, you know. He says it still hurts.
14 He doesn't want to leave. And the doctors were
15 saying that -- the doctors were saying that it was
16 fine, that it would go away, and to just go home
17 and proceed with his physical therapy.

18 Q. Did your mom say that she and your
19 father wanted to stay at the hospital?

20 A. She told me that she had told the
21 nurses that my dad wanted to stay.

22 Q. Now, was your dad speaking directly to
23 the nurses and doctors himself or was he going
24 through your mom?

25 A. I mean, I wasn't there, but from what I

1 understand, I believe he was trying to use his
2 voice to tell the nurses that it still hurt and
3 that he didn't want to leave. And then, I guess,
4 my mom, you know, she was there so she sort of...

5 Q. Do you know if she signed that to the
6 doctors and staff?

7 A. She mostly likely used her voice. I
8 mean, she can talk okay.

9 Q. So she would have told the staff that
10 he was hurting and did not want to go home?

11 A. Correct.

12 Q. Okay. Do you have any reason to
13 believe the staff were not told that by your
14 mother?

15 A. No.

16 Q. Okay. Now, you said purple. Did you
17 see the foot?

18 A. I did.

19 Q. Okay. When did you see the foot?

20 A. I saw it from the first day up until
21 the day they removed it.

22 Q. Okay. Did you see it the day of
23 discharge?

24 A. Not the day of discharge, no. I
25 believe we FaceTimed and he showed it to me on

1 FaceTimed, but not in person.

2 Q. The FaceTime was the day of discharge?

3 A. I believe so, yes.

4 Q. Were you there on the 30th at all,
5 physically, at the hospital?

6 A. I can't recall. I know I was working,
7 and coming to the hospital and trying to take time
8 off of work. So I can't exactly remember what
9 dates exactly I was there, unfortunately.

10 Q. So we know he got discharged the
11 morning of the 30th.

12 A. Yeah. If it was in the morning, most
13 likely I was not there. I don't think.

14 Q. Okay. And if you weren't there then,
15 obviously, that would be a day you would not have
16 requested an interpreter. Is that right?

17 A. I'm sorry?

18 Q. If you weren't there, that would,
19 obviously, be an occasion where you had not
20 interpreted -- you had not requested an interpreter
21 for your father?

22 A. I had not, no.

23 Q. Okay. Do you know whether or not your
24 mom requested an interpreter for your father on the
25 30th?

1 A. She didn't say. I mean, I know she was
2 requesting them as often as she could.

3 Q. But you don't know whether or not she
4 requested one on the 30th. Is that true?

5 A. I can not say, so no.

6 Q. Did she tell you she had requested one
7 on the 30th?

8 A. I don't remember. I don't think she
9 said anything about it.

10 Q. Okay. Did your father say he had
11 requested an interpreter on the 30th?

12 A. I don't remember. I believe around
13 that time he was pretty -- the entire time he was
14 in the hospital he was pretty heavily sedated. So
15 I think that he -- I don't know if he had asked or
16 not. I can't say for sure.

17 Q. Your father, he can say certain words?

18 A. I mean, if you're not around him you
19 can't really understand what he's trying to say.

20 Q. Okay. So if he was trying to say,
21 whatever he was trying to say; whether he was
22 trying to say hurt or home, we have no way of
23 knowing the staff or doctors had any idea what he
24 was saying. Is that true?

25 A. True, yes.

1 Q. Okay. Now, he can communicate some in
2 writing. Is that correct?

3 A. Yes.

4 Q. How much can he communicate in writing?

5 A. He could probably communicate whatever
6 he wanted in writing.

7 Q. Okay. What about reading?

8 A. He can read well.

9 Q. Does he generally read things before he
10 signs them?

11 A. I would believe so, unless, maybe, like
12 in this case, if the nurse just told him what it
13 was, he may not have read it thoroughly. He would
14 just would assume what the nurse was telling him
15 was what it was, and then he would have just signed
16 it.

17 Q. But, generally, in your experience,
18 he's capable of reviewing something and knowing
19 what it is and signing. Is that true?

20 A. Yeah, for the most part. Sometimes he
21 has trouble understanding certain grammar and
22 words, but for the most part.

23 Q. On occasions where he might have some
24 confusion would he, typically, ask your help or
25 someone else's help as to; hey, what does this

1 mean?

2 A. Typically, yes.

3 Q. Does your father communicate with you
4 via text?

5 A. Sometimes.

6 Q. Okay. Is that -- when he communicates
7 with you through the phone, is it -- can you kind
8 of tell us, is it more often through text, or
9 FaceTime or what?

10 A. Usually if he has to talk to me about
11 something he FaceTimes me. But if it's something
12 not really important, he'll send me a text.

13 Q. Okay. So do you want to meet for lunch
14 or something, he can text that to you?

15 A. Uh-huh. Yes.

16 Q. Now, where were you working at the time
17 your father was in the hospital?

18 A. I was working at Jewelry Television.

19 Q. What were you doing for them?

20 A. I was a call center sales agent.

21 Q. And what were your hours, do you
22 remember?

23 A. I would normally work 7:30 to four, but
24 no set days. They would be different every week.
25 I was also working from home, at that time, so I

1 could pick up hours any time I wanted to.

2 Q. With the call center?

3 A. Yes.

4 Q. Okay. Were you at the hospital -- I'm
5 sorry, back up.

6 Were you at the Loudon facility on the
7 26th when your father went to the hospital?

8 A. No.

9 Q. Okay. Were you at Parkwest when they
10 transferred him to Parkwest on the 26th?

11 A. Yes, I believe I came that day.

12 Q. Okay. And do you remember what -- do
13 you have any idea what time of day it was?

14 A. I believe it was in the afternoon
15 sometime, I think.

16 Q. This would have been when he was first
17 sent over to Parkwest?

18 A. Correct.

19 Q. Do you know -- do you remember if he
20 was in the ER or if he was in a room?

21 A. He was in a room, I believe, on the
22 cardiac unit.

23 Q. Do you remember who else was there when
24 you arrived?

25 A. My mom and my dad's girlfriend.

1 Q. They get along okay?

2 A. Yes. My step dad might have been as
3 well, my mom's boyfriend, he may have been there as
4 well.

5 Q. Does he have any recollection of this
6 stuff?

7 A. Maybe a little. I mean, he wasn't
8 around as much as the rest of us were.

9 Q. Does he know sign language?

10 A. Yes, he's also deaf.

11 Q. What his name?

12 A. Jeffrey.

13 Q. All right.

14 A. Hubbuch, H-u-b-b-u-c-h.

15 Q. Has your mom since married or she's
16 still dating Mr. Hubbuch?

17 A. They're just engaged. They've been
18 together for a long time though.

19 Q. Okay. What about your grandmother, was
20 she there?

21 A. She wasn't there the first day, I
22 believe. I think she lives in North Carolina. So
23 I think when I called her and told her that my dad
24 was in the hospital, and she and her husband drove
25 down.

1 Q. Okay. And she hears, but her sign
2 language is not so good. Is that correct?

3 A. Correct. She doesn't know very much
4 sign language at all.

5 Q. Okay. Do you know how many days she
6 was at the hospital?

7 A. I believe she was there the entire time
8 my dad was in the hospital. I think she might have
9 left, like, the day before he was discharged.

10 Q. Okay.

11 A. Or something.

12 Q. So if he got there on the 26th, she
13 would have gotten there no sooner than the 27th,
14 right?

15 A. Correct. Yeah. She may have gotten
16 there -- I can't remember exactly. She may have
17 gotten there the night of the day he was admitted
18 or early the next morning.

19 Q. Okay. And she would have been there on
20 the 29th, you think, but not the 30th?

21 A. Correct. Like I said, I can't say for
22 sure, though. I can't remember.

23 Q. Did she spend the night at the
24 hospital?

25 A. Yes.

1 Q. How many people were spending the night
2 at the hospital?

3 A. Mostly it was her or me. She stayed a
4 couple nights and I stayed one night, I believe.

5 Q. Which night did you spend the night?

6 A. It might have been the day after, the
7 night after he was admitted.

8 Q. So the 27th?

9 A. Yeah, I think so.

10 Q. Okay. Now, on the night of the 27th,
11 did he need an interpreter at that point in time?

12 A. We could have used one, yes.

13 Q. Okay. Did you feel like an interpreter
14 was needed for every moment he was there or were
15 there times where you felt like I could assist well
16 enough to where the staff knew what they needed to
17 know?

18 A. I felt like that we could have used an
19 interpreter at least every time there was a nurse
20 or a doctor in the office, because at the time, I
21 was pretty emotionally distressed. I thought that
22 my father might die. So it was pretty hard for me
23 to be focused on taking care of him, and also
24 focused on making sure he knew what was going on
25 and the staff knew what was going on.

1 Q. So you would feel like if a doctor came
2 by to see him, there needed to be an interpreter
3 there?

4 A. Yes.

5 Q. If a nurse comes by just to check
6 vitals or something like that, do you feel like an
7 interpreter has to be there for that?

8 A. I mean, not necessarily, unless, you
9 know, he had something that he needed to tell them.
10 But I don't really know if there would be any way
11 that they would know that. You know what I mean?
12 I don't know.

13 Q. Were you ever present when a pain scale
14 was done?

15 A. I believe so, yes.

16 Q. Okay. Tell me about that.

17 A. I believe it was after they took him
18 down into an operating room and put a catheter in
19 the artery. And they brought him up and he was in
20 a severe amount of pain. And they asked him or
21 they asked me to ask him where his pain level was.
22 He said it was way beyond a 10.

23 Q. And did you tell them that?

24 A. Yes.

25 Q. And did they understand that?

1 A. Yes.

2 Q. Okay. So he had the catheter put in.
3 You weren't present for when they put the catheter
4 in, were you?

5 A. Not when they put it in, but when they
6 took it out, yes.

7 Q. Okay. Were you given an explanation
8 for why -- let me back up.

9 Were you in the hospital when they put
10 the catheter in?

11 A. I think so, yes.

12 Q. Okay. Did you ask to be present in the
13 room when they put the catheter in?

14 A. No.

15 Q. Okay. Did you understand that for some
16 of these procedures they had to have a sterile
17 field and so they couldn't have family or
18 non-medical personnel present?

19 A. I understood that, yes.

20 Q. Okay. Do you know whether or not they
21 had a VRI in the room when he was having his
22 catheter done?

23 A. I'm not sure if they had it when they
24 put it in, but when they took it out they didn't.

25 Q. Okay. So if they had a VRI in the room

1 when they put it in, that's not something you would
2 be able to comment on one way or the other?

3 A. Correct.

4 Q. And you were there when they took it
5 out?

6 A. Correct.

7 Q. Did you have, as far as them taking it
8 out, was that a relatively quick procedure?

9 A. It may have been about 20ish minutes.

10 Q. Was that an upsetting event?

11 A. Yes.

12 Q. Okay. Why is that?

13 A. Because my dad was in a severe amount
14 of pain and to see my dad that way was pretty
15 upsetting.

16 Q. Did they do it in the room?

17 A. No.

18 Q. Where did they do it?

19 A. They did it in another operating room.

20 Q. But you were present for that?

21 A. Correct.

22 Q. Were you able to tell your dad what the
23 medical personnel were telling you?

24 A. Well, one of the nurses when they said
25 they were going to take it out, they came up to his

1 room and he had asked me, the nurse did, if I would
2 mind coming with them so I could interpret if need
3 be. I said of course.

4 So we went down there, and they had
5 originally put me in an adjacent room with a window
6 looking into the room. And set me in a chair and
7 had my dad pulled in. And then the nurse, the male
8 nurse had asked me if I would come into the room.
9 And the female nurse stopped me at the door and
10 said, "You're not allowed to be in here. This is a
11 sterile environment and you haven't been
12 sterilized." And the male nurse said to the female
13 nurse, "I need her to come into the room because I
14 need to tell him something."

15 Q. Yes.

16 A. And so the female nurse reluctantly let
17 me into the room. I came to the room. And my dad
18 was laying there. And they told him that he needed
19 to take his glasses off. And that they were going
20 to give him something to help with the pain, and
21 that they were going to scoot him down on the
22 table. So I told him all those things.

23 And then they led me out of the room
24 and set me in the chair outside of the room again,
25 into the adjacent room with the window looking in.

1 Q. Okay. And did your dad follow your
2 instructions?

3 A. Yes.

4 Q. Were there other occasions while you
5 were in the hospital that the medical personnel
6 asked you to tell your father things that they
7 wanted him to know?

8 A. Yes.

9 Q. Okay. Do you remember any occasion
10 where your dad didn't understand what it was you
11 were telling him?

12 A. He was confused the entire time that he
13 was in the hospital.

14 Q. Okay. Now, is that because he didn't
15 understand what you were telling him or was that
16 because of the pain and kind of anxiety of the
17 situation?

18 A. I think it was probably a mixture of
19 both. And also he was heavily sedated. Every time
20 he woke up he was asking me where he was, what he
21 was doing, what's going on.

22 Q. Can you recall any specific occasion,
23 though, where you were trying to tell him something
24 and he didn't understand what it was you were
25 telling him?

1 A. I know that, you know, the doctor when
2 he came in to talk to us about some things, he was
3 using, you know, words and terms that I didn't
4 fully understand. And I would ask him to explain
5 so that I could try to better help explain to my
6 father. But even I was confused at some points
7 from what the doctor was trying to tell me. So I'm
8 sure he was as well.

9 Q. Okay. Did your dad say I don't
10 understand?

11 A. Yeah, several times.

12 Q. Do you know what it was he didn't
13 understand what was going on?

14 A. I know he didn't understand why he had
15 to have a catheter put in and why it was causing
16 him so much pain.

17 Q. Okay. Anything else?

18 A. I'm not sure. I mean, I know he was
19 asking for food, and he didn't understand why he
20 couldn't eat. And, you know, other things like
21 that, but I can't recall anything specifically.

22 But the one that I remember the most is
23 that he just didn't understand why he had to have
24 that catheter, and why it was causing him pain, and
25 what kind of medicine it was or anything like that.

1 Q. Okay. And, again, he was heavily
2 sedated. There was some times where he didn't know
3 what day it was. Is that correct?

4 A. Correct.

5 Q. And you could tell him what day it was,
6 but that doesn't mean he would understand because
7 he's in a lot of pain and he's heavily medicated.
8 Is that true?

9 A. Correct.

10 Q. Based on your observation, if you had
11 understood the medical terminology, in your dad's
12 state, do you know whether or not he would have
13 fully appreciated what you were telling him?

14 A. I mean, he was in and out. Sometimes
15 he would be lucid and understand, and other times
16 he wouldn't. So, I mean, I can't say for sure, you
17 know, from his end, what all he remembered or what
18 he caught or what he didn't.

19 Q. Okay. And that's based on his physical
20 condition, right?

21 A. Right.

22 Q. Okay. Was there ever an occasion where
23 your dad told you something to tell the staff where
24 they didn't understand what it was you were telling
25 them?

1 A. I know that the night that I stayed, he
2 was, obviously, in a lot of pain, and he was trying
3 to tell me to tell the nurses that he was still
4 hurting. And he was on a button, you know, and
5 they were telling him or telling me to tell him,
6 you know, to press the button. And he was saying I
7 am pressing the button and it still hurts. And I
8 was trying to explain that to the nurses. And they
9 were, like; well, that's all you got that is, you
10 know, is that. He kept telling them that he had to
11 go to the bathroom, even though he also had a
12 catheter in. And he was saying it hurts, it feels
13 like I need to use the restroom. And I was trying
14 to tell him that. And they were, like, he doesn't
15 have to -- they were telling him, he doesn't have
16 to use the restroom. He's got a catheter in. And
17 he was, like, no, I feel like I need to use the
18 bathroom. And then later they found out that it
19 had, actually, like, pulled out and was misplaced.

20 **Q. So you were telling them that he felt**
21 **like he needed to go to the bathroom. And they're**
22 **saying, he doesn't need to go to the bathroom, he**
23 **has a catheter in.**

24 A. Right.

25 **Q. Later on they found out the catheter**

1 was misplaced?

2 A. Correct.

3 Q. So do you know when they figured out
4 the catheter was misplaced?

5 A. It was later on. It might have been
6 really early the morning that I stayed the night.

7 Q. So it just took them a long time for
8 them to bother to check it?

9 A. Right.

10 Q. And they say; oh, it's not in all the
11 way or something?

12 A. Right.

13 Q. Do you remember what it was that it was
14 not in all the way?

15 A. Yeah. I believe it wasn't in all the
16 way. And I know they said that where he had been,
17 you know, moving or something that it kind of must
18 have tugged or something pulled out a little bit.

19 Q. Do we know when that catheter problem
20 developed?

21 A. I know it started happening that night.
22 The night that I stayed, because I didn't get there
23 until late that night because my dad had actually
24 FaceTimed me. I was asleep in bed. And I seen
25 multiple missed calls from my dad. And I answered

1 it. And he was like, please, I need you to come.
2 I don't understand what's going on, you know. I
3 need you here. His mom was there, but she doesn't
4 speak sign language. So he was, like, please come
5 to the hospital, I need you. So I went to the
6 hospital that night.

7 **Q. Is that when you first found out that**
8 **he was in the hospital?**

9 A. No, I knew he was in the hospital. It
10 was because, you know, like, from your records you
11 say on the 26th, then I was there that day. And
12 then I went home the night of the 26th. The 27th I
13 went back. And then came back home to go to sleep.
14 And that's when he called me the night of the 27th
15 and told me to please come. So I did.

16 And when I got there, that was one of
17 the first things that he told me was that I feel
18 like I need to go to the bathroom, but they won't
19 take me to the bathroom.

20 **Q. And we don't know, we have no way of**
21 **knowing when it was the catheter became loose or**
22 **wasn't plugged in. Is that true?**

23 A. Correct. I don't know. Like I said, I
24 probably didn't get there until 10 or 11 o'clock
25 that night. And that was one the first things he

1 told me was that.

2 Q. He felt like he needed to pee?

3 A. He needed to pee, yes.

4 Q. So staff understood that he felt like
5 he needed to pee, but they just didn't take action
6 on it. Is that true?

7 A. Correct. Yes.

8 Q. Okay. Tell me about, did you have any
9 -- were you present for any meetings with Dr.
10 Pollock?

11 A. Yes.

12 Q. Okay. Tell me about those.

13 A. I only remember meeting him one time.
14 And it was shortly after they had, I believe, they
15 put the catheter in. And they had sat me and my
16 dad's girlfriend in a waiting room for, like,
17 surgery patients, I guess.

18 And then whenever he was finished, you
19 know, they called us back. And we were in a
20 hallway of the operating rooms, I guess. And he
21 was just telling me, you know, it was just the
22 girlfriend and I at that time. And he was just
23 telling me what he had done, and what was going to
24 happen and that sort of thing.

25 Q. Okay. Is that the only time you met

1 with Dr. Pollock?

2 A. I believe so. He may have came in. He
3 may have came in one time in, like, the room and
4 just was in there briefly just to kind of check on
5 my dad. And he said that he believed everything
6 looked well or, you know, that sort of thing and
7 then left.

8 Q. Okay. And you were present for that
9 meeting?

10 A. I believe so, yes.

11 Q. Do you remember when that meeting was?

12 A. It may have been the day that they
13 removed the catheter. I'm not sure which day that
14 was.

15 Q. Do you know if that had been the same
16 day they placed the stent?

17 A. I think so.

18 Q. Did you translate to Dr. Pollock or did
19 you translate to your father what Dr. Pollock was
20 saying?

21 A. Yes.

22 Q. Okay. And did your father have any
23 questions for Dr. Pollock?

24 A. Yes, he had asked, you know, why did
25 his foot still feel numb, and why did it still look

1 purplish black, and that sort of thing. And Dr.
2 Pollock just said it was all normal, and that's how
3 it was supposed to feel.

4 Q. Is that what you told your dad?

5 A. Yes.

6 Q. Did your dad understand what it was you
7 were telling him?

8 A. He understood.

9 Q. Okay. And did Dr. Pollock understand
10 the questions that you were posing to him from your
11 father?

12 A. He understood, yes.

13 Q. Okay. Were there any other doctor
14 meetings?

15 A. Not that I was present for, not that I
16 can recall.

17 Q. Okay. There's some occasions when a
18 nurse comes in and she asks; are you comfortable or
19 do you need some water, or do you need -- want
20 something to eat, that kind of thing. Do you
21 remember those?

22 A. Yes.

23 Q. On those occasions, do you feel like an
24 interpreter would be needed?

25 A. I mean, if he needed something, I guess

1 he could -- well, he couldn't wrote it down. He
2 couldn't really do anything. Like I said, he was
3 heavily sedated or, like, in a lot of pain and he
4 probably couldn't have wrote anything down. If I
5 wasn't there or my mom wasn't there, I guess, you
6 know, they probably would have had some trouble
7 communicating what it is that he needed or wanted.

8 Q. If you or your mom were there, the
9 communication was probably okay?

10 A. It would have been okay.

11 Q. But if none of you -- if you or your
12 mom wasn't there, then you would be concerned about
13 the level of communication?

14 A. Yes.

15 Q. Do you know if there were any times
16 when neither you or your mom were there?

17 A. Yeah, there were sometimes where
18 neither one of us were there and my dad's mom would
19 have been there.

20 Q. Do you know when that would have been?

21 A. I do know the night that he was
22 admitted, the night that he was admitted, I
23 believe, my -- either his girlfriend or his mom
24 were there. Somebody was there with him that first
25 night. I was not.

1 And then the second night before he
2 called me, like, from the time that I left until
3 the time that he called me to come, it was just his
4 mom there. And then there were sometimes where I
5 had to work that I couldn't be there. I'm not sure
6 if my mom was there or not. I can't recall for
7 sure who was there, but, yes, there were times when
8 neither my mom or I was there.

9 Q. So your mom, I apologize, you said
10 there was occasion where it was just your mom was
11 there. When was that again?

12 A. I know she originally took him to the
13 Lenoir City Hospital.

14 Q. Your mom did?

15 A. I believe my mom showed up there,
16 something, yes.

17 Q. Okay. And then your mom came to
18 Parkwest with him?

19 A. Yes.

20 Q. And then there was a time she left and
21 it was just your grandmother was there?

22 A. Yes.

23 Q. Okay. When was it that it was just
24 your grandmother was there?

25 A. I know that she was just there by

1 herself, I said I believe it was the night of the
2 27th that I spent the night. So she would have
3 been there by herself from, with my dad, probably
4 from around four or five until 11 o'clockish.

5 **Q. Four or 5 a.m.?**

6 A. Four or 5 p.m. until about 11 p.m.

7 **Q. Before your mom got there?**

8 A. That night, that was the night that he
9 called and asked me to come and I would have gotten
10 there.

11 **Q. Oh, okay.**

12 A. Sorry.

13 **Q. I'm sorry. The occasion when you**
14 **weren't there, you have no way of knowing if the**
15 **VRI had been used successfully or unsuccessfully.**
16 **Is that true?**

17 A. That's true.

18 **Q. You first got there on the 26th. Your**
19 **mom was already there, right?**

20 A. Right.

21 **Q. And at that point in time, you guys had**
22 **asked for a live interpreter?**

23 A. Yes.

24 **Q. You came back the morning of the 27th?**

25 A. I came back sometime that, yeah,

1 probably that morning when I got up and got ready.

2 Q. Okay. Now, are you saying that you
3 asked again for a live interpreter that morning or
4 you're not sure?

5 A. I know I asked for one that day, yes.

6 Q. The 27th or the 26th?

7 A. Yes, the 27th when I came back.

8 Q. Okay. So that would have been the
9 evening of the 27th when you came back?

10 A. No, the morning when I came back.

11 Q. Okay. And how were you sure you asked
12 for one on the morning of the 27th?

13 A. I asked the nurse, you know, the nurse
14 that he had that day. I can't remember her name,
15 unfortunately, but I know it was a different nurse
16 from the day before. And I asked her, you know;
17 hey, we were expecting a live interpreter since
18 your VRI machine isn't working, you know, can we
19 expect one today? And she would just tell us that
20 whoever it was that was supposed to be working on
21 it is working on it. And they would try to get one
22 out as quickly as they could.

23 Q. Okay. When you came back that evening,
24 did you make another request for a live
25 interpreter?

1 A. I believe my dad did. He asked me when
2 the nurse came back in, he asked me to tell the
3 nurse, like, can I have an interpreter? Where's my
4 interpreter?

5 Q. Okay. That was the night of the 27th?

6 A. Correct.

7 Q. You're sure about that?

8 A. Yes.

9 Q. Now, were you there on the 28th? You
10 spent the night on the 27th. You went home, right?

11 A. Yes, I was there that morning. My dad
12 finally went to sleep and I stayed up the whole
13 night and was there that morning. And then I
14 believe my mom and my step dad came, because my mom
15 and I tried to really make it to where one of us
16 was there as much as we could because we knew at
17 that time that was the only way anybody could
18 really know what was going on.

19 Q. Yeah.

20 A. So my mom came. And I went home. And
21 I took a shower. And I slept a little bit. And
22 then, I believe, I came back that day later on in
23 the day.

24 Q. Okay. And on the 28th, do you know for
25 sure whether or not she requested an interpreter

1 again?

2 A. My mom -- I remember when I got there,
3 when I came back, my mom had told me that she had
4 been asking for one.

5 Q. Okay. And what about the 29th?

6 A. It's honestly hard to recall if I was
7 there or not. Like I said, my job was -- they were
8 calling me saying, hey, we need you to work. And I
9 was trying to, you know, work it out. I can't
10 remember if that day I worked. I feel like I did
11 work that day. And I may have left work a little
12 early and tried to come. I know every time that I
13 saw my mom at the hospital, though, I know she told
14 me we've been asking for an interpreter again, so.

15 Q. Okay. So is it true that you're not
16 sure if you were there on the 29th or not?

17 A. I can't say for sure, unfortunately.
18 I'm sorry.

19 Q. So you know you were there at some
20 point on the 26th when he arrived to the hospital?

21 A. Uh-huh. Yes.

22 Q. You know you were there sometime during
23 the morning of the 27th?

24 A. Yes.

25 Q. And then on the evening of the 27th,

1 you spent the night?

2 A. Yes.

3 Q. And then you were there the morning of
4 the 28th?

5 A. Correct.

6 Q. Did you come back the afternoon or
7 evening of the 28th?

8 A. I believe I did, yeah, come back for a
9 little bit after I slept some.

10 Q. Are you sure you did or?

11 A. I can't say for sure, no,
12 unfortunately.

13 Q. Okay. So what you know is that you're
14 there in the morning. You're not sure if you were
15 there the evening of the 28th, probably weren't
16 there on the 29th, and you know you weren't there
17 on the 30th. Is that accurate?

18 A. Yes.

19 Q. Other than on the occasion you pointed
20 out where your grandmother was there alone, was
21 there any other occasion that you're aware of that
22 neither you nor your mom was present?

23 A. I would say probably other than the
24 night of the 27th, any night that -- every night
25 that he stayed there, the only person that was with

1 him was either his girlfriend or his mother. So
2 the night of the 26th, the night of the 28th and
3 the night of the 29th. Because the only night I
4 spent the night was the 27th. And my mom did not
5 stay the night at all, I don't believe.

6 Q. Okay. His girlfriend, Miss Chang?

7 A. Correct.

8 Q. Does she have implants as well?

9 A. No.

10 Q. Does she have hearing aids?

11 A. No.

12 Q. Is she -- she's deaf?

13 A. Correct.

14 Q. Can she speak?

15 A. No.

16 Q. Can she read lips?

17 A. I'm not sure 100 percent. I mean, most
18 deaf people that I know can read a little bit. But
19 I can't say for sure if she can or not. I haven't
20 really spent that much time around her.

21 Q. Okay. She does not use hearing aids,
22 or implants or anything?

23 A. I know she doesn't have implants. I
24 don't think I've ever seen her with hearing aids.

25 Q. Okay. After his discharge, did you

1 visit him at home in between the time he left
2 Parkwest and the time he went to UT?

3 A. No.

4 Q. When he was at UT, did you visit him?

5 A. Yes.

6 Q. Okay. And did UT provide him with a
7 live interpreter?

8 A. Yes, from the moment that he got there.

9 Q. Okay. Was an interpreter there 24/7?

10 A. Yes. I mean as far as I know, yes.
11 They were always there. There was always an
12 interpreter there.

13 Q. Interpreter never left the room or?

14 A. No. I mean, they would come in and,
15 you know, one shift would end and another person
16 came in to relieve that person. And they were
17 there for every time that I was there, there was an
18 interpreter there.

19 Q. All right. How do you -- your father's
20 lost part of his leg?

21 A. Yes.

22 Q. He now has a prosthetic?

23 A. Yes.

24 Q. He can get around by himself with the
25 use of the prosthetic?

1 A. Yes.

2 Q. He can drive?

3 A. Yes.

4 Q. He can still do some handyman work?

5 A. Yes.

6 Q. What types of things can he not do that
7 he was enjoying doing before?

8 A. He can't ride his bike anymore, his
9 motorcycle. He used to really love to do that.

10 Q. Anything else?

11 A. I know he can't really walk for long
12 distances because it starts to hurt him. He
13 struggles bending over and picking things up and
14 walking upstairs.

15 Q. Okay.

16 A. And I mean, he drives well, but it took
17 him a long time to learn how to use his left leg
18 rather than his right leg to be able to drive.

19 Q. Anything else?

20 A. Showers. I know he has a hard time
21 taking showers. He has to use a chair.

22 Q. Okay. Anything else come to mind?

23 A. You know, the type of work that he's
24 in, he has a hard time climbing ladders or, you
25 know, using -- getting underneath certain places

1 and, you know, he manages, but it's definitely not
2 as easy as it was before, you know.

3 Q. Okay. Now, you mentioned was your
4 brother present at the hospital at any point in
5 time?

6 A. He was there sometimes. I know he was
7 there the first day.

8 Q. Was he involved in the request for an
9 interpreter, if you know?

10 A. I don't think so. He wasn't there very
11 much.

12 Q. Now, you say your ASL is better than
13 your brother's?

14 A. Yes.

15 Q. How did you get to be so good at ASL?

16 A. I just cared enough to want to be able
17 to communicate with my parents.

18 Q. Are there books or any type of training
19 materials you can look at that helps you refine it
20 more?

21 A. Honestly, I don't look at books, no. I
22 learned from just being around other people in the
23 deaf community, you know. I'll say something that
24 might be, like, an older sign for something, like,
25 oh, this is how we say it now, or that sort of

1 thing. So I learned new stuff all the time.

2 Q. Okay. And are you involved in the deaf
3 community?

4 A. Not very much, honestly, no. I mean, I
5 know a lot of people, but I don't do any sort of
6 events or anything like that.

7 Q. Okay. But growing up, both your
8 parents were deaf, right?

9 A. That's correct.

10 Q. That's how they communicated to you?

11 A. Yes.

12 Q. That's how you communicated to them,
13 right?

14 A. Yes.

15 Q. Did you ever volunteer like a TSD or
16 anywhere around town?

17 A. I tried to get a job at TSD one time.

18 Q. Okay. What were you hoping to get a
19 job at?

20 A. I believe I was 18 or 19. And they
21 were offering a job as, like, I don't know, I
22 believe their title was for it was cottage mother
23 or something, where you help get the kids ready for
24 school, you put them to bed because it's like a
25 boarding school, they stay there, that sort of

1 thing.

2 Q. Did they end up hiring somebody else?

3 A. I guess so, yeah.

4 Q. Did they comment on your ASL?

5 A. I never even got an interview. I just
6 sent my resume in.

7 Q. You never got called?

8 A. Yeah.

9 Q. Have deaf people ever commented on your
10 ASL abilities?

11 A. Yes.

12 Q. Positively?

13 A. Yes.

14 Q. Anything else about this event that you
15 want to share with me?

16 A. No, you know, other than just the fact
17 that, like I told you before, that the entire time
18 that he was in the hospital everybody was very
19 upset, and, you know, heart broken. And, you know,
20 like I said, there was a time I didn't know if he
21 was going to make it or not.

22 And then when we knew that, you know,
23 he was going to be okay, but his leg was going to
24 be missing, we were all so upset about what his
25 future was going to look like. And was he going to

1 be able to work or, you know, drive or anything.
2 And it felt really upsetting to know that I had to
3 be responsible for letting him know what was going
4 on and being this communicator in between him and
5 the nurses. And I didn't want that responsibility.
6 I only wanted the responsibility of being there for
7 my father and taking care of him.

8 MR. YOUNG: Let me speak with my
9 co-counsel here and we may be done.

10 (A recess transpired.)

11 MR. YOUNG: Back on.

12 Q. I've heard this term. I'm very
13 ignorant of the deaf community, and the deaf
14 culture, and the various ways of communicating and
15 that kind of thing. What does the term home sign
16 mean?

17 A. It means, like, just a sign language
18 that maybe is between like a family, you know, like
19 maybe not recognized in the deaf community but
20 recognized in just the family.

21 Q. Your father's parents, is your
22 grandfather still alive?

23 A. I'm sorry, could you repeat the
24 question?

25 Q. Is your grandfather still alive?

1 A. He is.

2 Q. And your grandmother has remarried?

3 A. Yes.

4 Q. Okay. And was her husband present at
5 the hospital as well?

6 A. Yes.

7 Q. Do you know how often he was there?

8 A. He was there with my grandmother the
9 whole time. I mean, I don't know how often he was
10 in the room. He kind of spent some time walking
11 around and went to the cafeteria or something like
12 that.

13 Q. He didn't spend the night too, did he?

14 A. I think he did. I think he did.
15 Actually, yes, he did. Sorry.

16 Q. In the room?

17 A. Yes.

18 Q. How did -- I'm trying to think.

19 Physically in the room, how do you fit three people
20 in there to sleep?

21 A. My grandmother and I didn't sleep. Her
22 husband slept in the recliner. And they brought a
23 couple of chairs in for us. And we were up the
24 whole night that I was there anyway. And then I
25 believe the other nights that she was there with

1 her husband, they may have alternated on the
2 recliner.

3 Q. Okay. Did your grandfather know any
4 sign language?

5 A. No.

6 Q. Does your grandmother's husband know
7 any sign language?

8 A. No.

9 Q. What his name?

10 A. I think I only met him the one time. I
11 think his name is Joe Salvador or something like
12 that. I can't remember exactly. They're not
13 around very often.

14 Q. Okay. Now, home signing that may be
15 just in the home, but that's, you know, your father
16 grew up with his mom and dad. They had to
17 communicate through home signing.

18 A. Right.

19 Q. Is it fair to say they communicate with
20 each other pretty well?

21 A. Yeah, I guess so. I mean, when my dad
22 was younger they, you know, his father drove a
23 truck, and was in the Navy and wasn't really around
24 very much. And they put him in a boarding school
25 for deaf children. So I don't really feel like he

1 spent very much time with his family.

2 Q. That's a boarding school, that's GSD?

3 A. That's correct.

4 Q. Now, is that boarding school, is that
5 just four years of high school?

6 A. I believe it's K through 12. I'm not
7 sure though.

8 Q. Okay. If your father had testified
9 that he had been in public school prior to going to
10 GSD, would that be something you would know?

11 A. I didn't know he had been to public
12 school. I thought he was always in the deaf
13 school, but I can't say.

14 Q. All right. But how does your
15 grandmother and your father communicate with each
16 other, like, whether or not physically together?

17 A. He'll use his voice. And I think just
18 from her being around him that she kind of
19 understands like, you know, his voice grunts and
20 trying to speak words.

21 Q. How does she communicate to him?

22 A. He reads her lips or, like, she might
23 -- I've seen her do a little bit of sign, but not
24 really. She might know her ABCs.

25 Q. And does she have her own -- do they

1 have their own signs with each other like the home
2 signs, so to speak?

3 A. They probably do. I don't know for
4 sure. Like I said, she lives in North Carolina and
5 from the time until dad was in the hospital, we
6 really didn't have any communication with her. I
7 don't remember being around her when I was younger
8 or anything like that. So it's been a very long
9 time since they seen each other up until dad's been
10 sick in the last couple years we've tried to
11 reconnect, so.

12 Q. Did your grandmother comment on any
13 inability she may have had as far as communicating
14 with the nurses what they were saying with your
15 dad?

16 A. Yeah. She definitely had told me a
17 couple of times that she didn't really know what my
18 dad was trying to say to her, or, you know, the
19 nurses were trying to tell him things she didn't
20 know how to tell him what they were saying.

21 Q. And she spent one night at the
22 hospital, right?

23 A. No, she was there, I believe, she was
24 there every night that he was there, other than
25 maybe the first night.

1 Q. Okay. So both she and the girlfriend
2 were there each night?

3 A. Either one of them would have been
4 there.

5 Q. Either or?

6 A. Either or. I know my grandmother was
7 there because she didn't get a hotel. They're from
8 North Carolina, they didn't get a hotel or
9 anything. So I believe they just spent the
10 majority of the time at the hospital. I think that
11 she had told me, my grandmother, told me at one
12 point that her husband may have slept in the lobby
13 or something, or they had an overnight waiting room
14 and he found like a chair in there somewhere and
15 slept or something like that.

16 Q. Okay. And they had left on the 29th?

17 A. I think so.

18 Q. Okay. So they would have spent the
19 night on the 27th or the 28th?

20 A. Yeah.

21 Q. They weren't there the same night you
22 were there, though, where they spend the night?

23 A. Yes.

24 Q. Oh, they were there?

25 A. Yes.

1 Q. So it was you and her?

2 A. Yes.

3 MR. YOUNG: Okay. I think that's all
4 we have. Thank you.

5 THE WITNESS: Okay. Thank you.

6 (Deposition was concluded at 10:07
7 a.m.)

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1 C E R T I F I C A T E

2 STATE OF TENNESSEE

3 COUNTY OF KNOX

4 I, Catherine Golembeski, Licensed Court
5 Reporter and Registered Professional Reporter, do
6 hereby certify that I reported in machine shorthand
7 the deposition of TALA TOMEI, called as a witness
8 at the instance of the Defendants, that the said
9 witness was duly sworn by me; that the reading and
10 subscribing of the deposition by the witness was
11 waived; that the foregoing pages were transcribed
12 under my personal supervision and constitute a true
13 and accurate record of the deposition of said
14 witness.

15 I further certify that I am not an attorney
16 or counsel of any of the parties, nor an employee
17 or relative of any attorney or counsel connected
18 with the action, nor financially interested in the
19 action.

20 *Cathy J. Golembeski*
21 _____
22 Catherine Golembeski, LCR# 778
23 Registered Professional Reporter
24
25

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